

Appln. No. 09/698,044  
Notice of Related Litigation dated March 2, 2004

PATENT  
Customer No. 22,852  
Attorney Docket No. 7451.0001-16  
InterTrust Ref. No.: IT-5.6.1 (US)

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 2, 2004. Express Mail Label No.: **EV 398888294**

Signed: Lindy Baglietto  
Cindy Baglietto

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )

Karl L. GINTER et al. )

Application No.: 09/698,044 )

Filed: October 30, 2000 )

For: SYSTEMS AND METHODS FOR )  
SECURE TRANSACTION )  
MANAGEMENT AND )  
ELECTRONIC RIGHTS )  
PROTECTION )

Group Art Unit: 2132

Examiner: W.P. Amsbury

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Technology Center 2100

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**THIRD UPDATED NOTICE REGARDING RELATED LITIGATION**

Further to the submission of the Second Updated Notice Regarding Related Litigation on July 31, 2003, Applicants submit this Third Updated Notice to inform the Examiner of the status of the ongoing litigation between InterTrust and Microsoft, captioned InterTrust Tech. Corp. v. Microsoft Corp. (C 01-1640 SBA, N. D. Ca.). Applicants also submit herewith potentially relevant copies of the papers exchanged by the parties in the course of this litigation.



### **STATUS OF RELATED LITIGATION**

Dated September 2, 2003, and attached as Exhibit 1 hereto, is InterTrust's Disclosures of Asserted Claims and Preliminary Infringement Contentions Pursuant to Patent Local Rules 3-1 and 3-2 with Exhibits A and B. Exhibit C has not been provided because (1) it is marked "Confidential - Subject to Protective Order" and "Attorneys Eyes Only" (as it pertains to proprietary Microsoft information); and (2) it is not material to the patentability of the pending claims, as it contains only information pertaining to Microsoft's current products and systems.

On November 17, 2003, Microsoft filed Defendant Microsoft Corporation's Preliminary Invalidity Contentions (Patent Local Rules 3-3 and 3-4). See Exhibit 2.

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### **REMARKS**

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Applicants submit this Third Updated Notice Regarding Related Litigation in fulfillment of their duty to disclose information potentially material to patentability under 37 CFR 1.56. Applicants encourage the Examiner to carefully review the attached documents, and let Applicants know if any additional information is desired.

With this Notice, Applicants have provided copies of the papers described in the Status of Related Litigation section above. Furthermore, a voluminous number of documents have been referred to in the Microsoft paper attached as Exhibit 2 (specifically, in Exhibit A, attached thereto), many of which are already of record before the Office. All of the references listed in Exhibit A which have not already been cited in this application are listed on an Information Disclosure Statement that accompanies this

submission, and copies of the cited documents are provided herewith. Furthermore, Applicants urge the Examiner to also review Exhibits B and C, exhibits to Microsoft's Preliminary Invalidity Contentions, which comprise an extensive listing of claim charts pertaining to the patents-in-suit. Exhibits B and C are provided in electronic format (via CD-ROM, sent with this Notice) due to their sizeable page length.


As always, if the Examiner believes that any document not yet submitted may be helpful in resolving an issue before him and would like to review that or any other document, Applicants invite the Examiner to contact the undersigned at (650) 849-6643.

If there are any fees due with the filing of this Notice which have not yet been paid, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 2, 2004

By:   
Andrew B. Schwaab  
Reg. No. 38,611